



# HUMAN RIGHTS REPORT

Kentucky Commission on Human Rights Quarterly Newsletter

Winter 2005

## KCHR welcomes Executive Director Linda Strite Murnane

The Kentucky Commission on Human Rights is proud to announce the appointment of a new executive director.

Linda Strite Murnane began the job on Feb. 1, becoming the fourth executive director in KCHR's 45-year history.

The 53-year-old colonel and chief military circuit judge comes to the commission after retiring from the U.S. Air Force on June 1, 2004.

"Her record of exemplary leadership, legal and public affairs expertise, and a diverse experience in human rights made Linda a clear choice for our board of commissioners," Chair Priscilla Johnson said.

In an editorial, The Courier-Journal newspaper called the new director a "strong leader at the helm," and said, "she's about as tough and experienced as anyone could hope for."

When asked by the Associated Press about the commission's future direction, she replied, "What I think I bring is a steady hand to the boat...what's important is that the work the commission is doing continues because it improves

Kentucky."

Ms. Murnane's schedule has been busy since her first day at the commission. In addition to overseeing daily operations of the agency, she has met with Gov. Ernie Fletcher, legislators, state civil rights leaders, local human rights commissions, and federal enforcement contractors. She has spoken at public events and participated in television and newspaper interviews.

Thirty years of active duty in the military led the Cincinnati, Ohio native on a rare climb from airman basic to colonel and from supply officer to top military judge.

During the last 10 years, she was a U.S. Air Force judge. In 2000, she became the chief circuit judge of the European Circuit. When she retired, she was Eastern Circuit chief judge in Washington D.C.

She has an associate's degree in Liberal Arts and graduated magna cum laude from Thomas Nelson Community College in Hampton, Vir., and a bachelor's degree with Dean's Honors in Political Science from Christopher Newport College of the College of



**Chair Priscilla Johnson (left) administered the oath to Linda Strite Murnane (right) during the February commission meeting.**

William and Mary, in Newport News, Vir.

She was selected to fill one of seven funded legal education slots in the Air Force in 1978. She graduated from the University of Cincinnati College of Law in 1980, where she was named one of the first six Urban Morgan International Human Rights Fellows. She received the American Jurisprudence Award for Excellence in Constitutional Law in 1978 from Loyola University in New Orleans, La.

In 2003, she received the Ohio State Bar Association Nettie Cronise Lutes Award for opening doors to women and girls in the field of law. She was an adjunct faculty member for the Defense Institute of International Legal Studies, teaching in Latvia, Argentina, Rwanda, and Papua New Guinea. In March, she was an instructor on equal

opportunity and treatment for women in the military in Zambia.

She is the National Conference of Specialized Court Judges secretary and its Judges Diversity Committee chair. She is a member of the American Bar Association Judicial Division and its Judicial Network Committee. She is National Association of Women Judges Membership Outreach chair. She is a member of the American Judges Association and the Federal Bar Association Judicial Division, the Ohio State Bar Association, and the Commission on Women in the Profession of Law. She is admitted to practice law before the U.S. Supreme Court, Ohio Supreme Court, Court of Appeals for the Armed Forces, and U.S. Air Force and Army Courts of Criminal Appeals.

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Y. Denise Payne Wade  
Louisville

Linda Strite Murnane  
Executive Director



*Linda Strite Murnane*

time, it was sobering when I thought about the extraordinary responsibility I was undertaking.

This commission, after all, would not exist today except that important men and women committed to fair treatment and equal rights for all, paid in tears, toil and sweat, to bring positive change to the Commonwealth of Kentucky. The echoes of their sacrifices lead me every day as I undertake this new position.

My passion for the cause of human rights began early in my life. While a high school student in Cincinnati, Ohio, I spent a summer teaching basic literacy skills in the barrios and ejidos of Sonora, Mexico, to children who were required to work on the harvest on farms when

On Feb. 1, 2005, I began my new duties as the executive director for the Kentucky Commission on Human Rights. It was an exhilarating, exciting day for me, but, at the same

they should have been in schools. In law school, I was one of the first six Urban Morgan Fellows in International Human Rights at the University of Cincinnati. I have taught courses on the First Amendment Rule of Law in several countries. I have worked to protect civil rights and ensure equal opportunity throughout my tenure as a judge.

My global experiences make me acutely aware of the impact of discrimination. I have seen its destructive power in the hundreds of human skulls still maintained at the genocide sites in Rwanda. There is no more poignant reminder of the impact of senseless and baseless hatred than that image, which I also carry with me every day.

I take on this new position as a mission – a sacred mission – entrusted to us by those whose sacrifices have brought us this far. I look forward to meeting and collaborating with civil rights leaders, activists and partners in our statewide community. We cannot be satisfied until discrimination is eradicated in Kentucky.

It is a mission in which failure is not an option.

## Blue ribbon panel to study commission

Gov. Ernie Fletcher established a blue ribbon panel on March 1 to study the Kentucky Commission on Human Rights. The 13-member panel will review agency operations and make any recommendations to the governor.

The commission anticipated the panel since August of last year, when Gov. Fletcher announced he would consider reducing the human rights board of commissioners from a body of 11 volunteer members who represent state supreme court districts to three full-time paid commissioners.

“The commission looks forward to working cooperatively and constructively with Gov. Fletcher’s task force to ensure the people in Kentucky are vigorously protected from unlawful discrimination in employment, housing and public accommodations,” said Exec. Dir. Linda Strite Murnane.

The commission has a

statutory duty to protect people in Kentucky from discrimination on the basis of race, color, religion, national origin, gender, age, disability, smoking status, and familial status.

“Our responsibility to these often disenfranchised groups, who look to their state human rights commission for help and protection, will be our foremost concern as this process moves forward,” she said.

The commission is pleased with the diverse make-up of the panel, which includes civil rights leaders, legal experts, legislators, and former commissioners, all of whom are well acquainted with the commission and its important history in the enactment and enforcement of the Kentucky Civil Rights Act. The blue ribbon panel members are: Bill Cofield, president, Ky. Conference of NAACP Branches; Rev. Russell Awkard, vice moderator, General Assoc. of Baptists in Ky.; Sharon Fields, exec. dir., Ky. Disabilities

Coalition; Porter G. Peeples, president and CEO, Urban League of Lexington/Fayette County; Rev. David Sanchez, associate pastor, Church of the Holy Spirit and first Hispanic minister of the Louisville Catholic Diocese; Pat Freibert, chair, Ky. Commission on Women; Rev. Raynarldo Henderson, pastor, Washington St. Baptist Church; Dr. Doris Wilkinson, director, Project on the African American Heritage and first African American graduate of the University of Kentucky; Sen. Gerald Neal, state senator, 33rd District; Howard Mann, attorney and former chair of the Ky. Commission on Human Rights; Marcia Milby Ridings, attorney and former president, Ky. Bar Association; David Alan Friedman, former general counsel for the ACLU of Ky.; and the Hon. Larry Smith, administrative law judge and former commissioner of the Ky. Commission on Human Rights.

# KCHR files complaint in Burlington cross burning case

The Kentucky Commission on Human Rights filed a civil action in Kenton Circuit Court last November against the defendants who pleaded guilty and were sentenced in the Boone County, Ky. cross burning that occurred in July 2004.

The complaint asks the court for: (1) a declaration that the actions of James D. Foster of Independence, Ky., and Matthew T. Scudder of Hebron, Ky., constitute violations of the U.S. Fair Housing Act and the Kentucky Civil Rights Act; (2) a permanent injunction restraining and enjoining the defendants from engaging in unlawful acts of racially motivated coercion, intimidation or interference; (3) a requirement that the defendants undergo training on the subject of fair housing laws with emphasis upon housing laws that prohibit race discrimination; (5) and, monetary actual and punitive damages for Frederick, Tangelia and A.L. Mahone.

KCHR filed an administrative complaint initiated by its chair, Ms. Priscilla Johnson, in July. Commissioner-initiated

administrative complaints are expressly authorized by the state General Assembly to affect the purposes of the Kentucky Civil Rights Act, even where an aggrieved person has not come forward to file the complaint.

In October, KCHR determined that probable cause exists to believe that a discriminatory housing practice made unlawful under KRS Chapter 344 (The Kentucky Civil Rights Act) had occurred. KCHR advised the Mahone family of their statutory right to have the claims made in the charge to be decided in a civil action filed in lieu of an administrative hearing before the commission. The family decided to pursue the civil action.

The Mahones were victims to a cross burning in front of their home in Burlington last summer as well as smashed car windows and yelled racial epithets. The KCHR complaint accused the defendants of conspiring to commit these acts. The Mahones moved from the neighborhood after the incident occurred.

## Martin Luther King Leadership Awards given

KCHR held its annual Martin Luther King Legacy Celebration on Jan. 21 at the University of Louisville Floyd Theatre. Joined by Kentucky Senator Gerald Neal, Chair Priscilla Johnson and commissioners started the event by announcing Linda Strite Murnane, new executive director, to the public.

The keynote speaker was Herman Daniel Farrell III, who is a playwright, screenwriter, and a commissioner of the Midway-Versailles-Woodford County Human Rights Commission. He co-wrote the HBO movie *Boycott*, about the Montgomery, Alabama bus boycott of 1955 and 1956.

The Martin Luther King Emerging Leadership Award went to Shawnice Whitfield, a fourth grade student at Shyrock Traditional Elementary School in Louisville. There were three recipients of the Martin Luther King Youth Leadership Award: Samuel Anshel Kaviar, a recent graduate of St. Francis High School, Carver Douglas Ealy, a senior at the Youth Performing Arts School, and John LaFollette, a senior at Trinity High School, all of Louisville. The Martin Luther King Adult Leadership Award was presented to Faye Owens, a retired principal of Mill Creek Elementary School in Louisville. She is the director of educational programs for the Lincoln Foundation. The Community Service Award went to the Black Achievers Program of the Chestnut Street Family YMCA. Now in its 25<sup>th</sup> year, it has inspired many African American students in Louisville to pursue a college education and meaningful careers.

## New Great Black Kentuckian poster unveiled



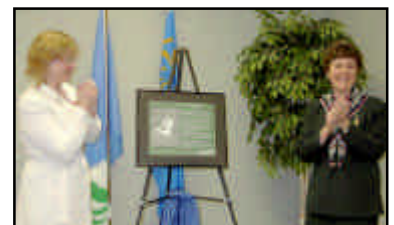
Murray Atkins Walls

The civil rights pioneer who helped integrate the Kentuckiana Girl Scouts is the 39<sup>th</sup> member of the Gallery of Great Black Kentuckians, the educational poster and bookmark series produced by the Kentucky Commission on Human Rights.

Executive Director Linda Strite Murnane and Fran Fach, CEO of the Girl Scouts of Kentuckiana, unveiled the poster of the late Murray Atkins Walls at a special ceremony on March 11, which was hosted by the Girl Scouts of Kentuckiana Council in its Louisville headquarters.

Born in 1899, in Indianapolis, Ind., Ms. Walls was a teacher and developed an early black history program in Indiana. In 1935, she married Dr. John H. Walls and settled in Louisville. During the 1930s, she worked to secure public housing for African Americans in Louisville. In the 1940s, she led demonstrations at the whites-only main library and helped black clerks get jobs in a department store. She became a Girl Scout trainer and the first black woman to serve on the Girl Scout Board of Directors. She was the first black woman to serve on the Ky. State Board of Education.

In 1954, she led the movement for a shared Girl Scouts Camp Shantituck, with black and white girls attending different sessions. It marked the first time in Louisville history that black and white Girl Scouts used the same camp. Two years later in 1956, she led the board in a vote for the integration of Camp Shantituck, one camp session for all girls. This is considered to be an early victory in the civil rights movement in the U.S. Ms. Walls died in 1993.



Linda Strite Murnane (left) and Fran Fach of the Girl Scouts (right) unveiled the new poster.

# Partners Page

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## Local Commissions News

The Bowling Green Human Rights Commission hosted the Fair Housing Hispanic Outreach Legal Clinic on Feb. 16. The clinic answered questions and addressed legal issues related to housing in the Hispanic community. The commission held a fair housing workshop on Feb. 2, at the Warren County Board of Realtors. The commission hosted its 14<sup>th</sup> Annual Women of Achievement Awards Banquet on March 24. Women throughout the community were honored for their work toward equality and bettering the lives of others in the community.

The Henderson Human Rights Commission held its annual civil rights breakfast in February. A local attorney spoke about employer strategies for ensuring compliance and educated them about discrimination and harassment laws.

The Mayfield Human Rights Commission hosted the city of Mayfield Black History Month Kickoff on February 6. Local black business leaders were honored and the winner of the city's annual student essay contest was announced.

The Hopkinsville Human Rights Commission sponsored its annual Black History Trivia Bowl on Feb. 19 at the Murray State University Satellite campus in Hopkinsville. Sixteen teams from Trigg, Todd and Christian counties competed.

The Paducah Human Rights Commission will be having its annual fair housing luncheon in April. The date will be announced. Charles Leachman will be the keynote speaker.

The Louisville and Jefferson County Metro Human Relations Commission held its 9<sup>th</sup> annual Race Relations Conference in January. In addition to various workshops, Juanita Abernathy, widow of Rev. Ralph Abernathy, was the lunchtime keynote speaker. The commission hosted a forum on African American and immigrant relations at the Louisville Urban League.

The Owensboro Human Relations Commission, in conjunction with the U.S. Postal Service, unveiled the new Marion Anderson stamp in celebration of the national Black History Month in February. The commission will be sponsoring A Civil Rights Pilgrimage of the South bus trip to Atlanta, Ga., and Birmingham, Ala., on Friday, June 24, through Sunday, June 26. For more information, contact the Owensboro commission at 270.687.8670 or 270.687.8671.

The Franklin-Simpson County Human Rights Commission hosted a very successful Dr. Martin Luther King Jr. breakfast and celebration, with over 200 participants. In February, the commission held the first annual Franklin Unseen Heroes Banquet. Over 250 people from throughout the community were on hand to honor Franklin residents who are working behind the scenes to make a difference in the community. Recipients and honorees were a broad and diverse representation of Franklin-Simpson County.

The Ashland Human Rights Commission will hold its annual Fair Housing Carnival from 10 to 2 p.m. on April 16 at the First Baptist Church Annex on Winchester Avenue near 18<sup>th</sup> Street. The Ashland commission sponsors the event with a number of area charitable and social service organizations. Residents will be encouraged to have their health checked as well as learn about their housing rights. The NAACP of Boyd and Greenup counties will have booths at the fair to explain their services and recruit new members.

Members of the Covington Human Rights Commission are participating in Vision 2015, a civic effort to determine how Northern Kentucky will look in 10 years. The program, which is being sponsored by Northern Kentucky University and other organizations, is bringing together more than 100 business, educational, political, social and religious leader to help shape the region's landscape. The Covington commission is sponsoring its April Fair Housing Poster Contest for local elementary schools. The commission uses a grant to teach students about their rights in housing, employment, public accommodations and financial transactions. The children create posters about Fair Housing and receive prizes. Selected posters will be displayed throughout the city.

The Danville-Boyle County Human Rights Commission hosted a workshop on police and community relations on March 11 at City Hall. Georgia Tompkins, the chair of the Danville commission, arranged the workshop after an African American man claimed he was beaten by police during his arrest last year. The officers denied any wrongdoing. The workshop was attended by Ms. Tompkins and other members of the Danville commission, the police chief and assistant police chief in Danville, and a liaison of the Latino community. Members of the Richmond Human Rights Commission attended and spoke about how their community responded after the arrests of seven blacks last year. Juan Pena and John C.K. Fisher of the Kentucky Commission on Human Rights gave presentations during the workshop. Afterwards, Ms. Tompkins and the Danville police chief said they would be interested in holding more workshops.

The Lexington-Fayette Urban County Human Rights Commission will be sponsoring a fair housing workshop and luncheon from 8:30 a.m. to 1 p.m., April 12, at the Hyatt Regency Hotel in downtown Lexington. The workshop will discuss how minorities can gain home ownership. The lunch will include awards for Harrison Elementary School students for their color contest on fair housing. William Wharton, the executive director of the Lexington commission, has spoken to Richmond Human Rights Commission members about improving police and community relations by establishing awards for officers whose good work should be acknowledged.

Members of the Richmond Human Rights Commission, who last year signed an agreement to improve police and community relations in their city, participated in a workshop on March 11 for the Danville-Boyle County Human Rights Commission and the Danville police department. Richmond Human Rights Commission Chair Karen McClain, Co-Chair Elder John Settles, and Dr. Aaron Thompson, a police consultant from Eastern Kentucky University, explained how they reached their historic agreement with city officials, police, the local NAACP and the U.S. Justice Department. All workers at Richmond City Hall will be given diversity and sensitivity training as a result of the Richmond commission's efforts. The agreement was reached after seven blacks arrested in May 2004 claimed they were mistreated during the arrest. An internal investigation resulted in no charges against the officers, however, the Richmond police chief agreed to try to improve relations between his staff and the community. The Richmond commission will host the monthly Kentucky Commission on Human Rights Board meeting on April 28. The meeting will be followed by a local commission roundtable featuring new KCHR Executive Director Linda Strite Murnane.

Herman D. Farrell III, a member of the Midway-Versailles-Woodford County Human Rights Commission, was the keynote speaker during the KCHR Martin Luther King Legacy program Jan. 21 in Louisville (see story on Martin Luther King Leadership Awards given).



# Commission Rulings

KCHR approved five conciliation agreements during its December, February and March meetings at Louisville headquarters. Conciliation is reached through KCHR negotiations between complainants and respondents in consideration for the full and complete resolution of all claims of alleged discrimination. The agreements do not represent an admission by any of the respondents of violations of the law and furthermore the respondents denied any violations of the law. The commission dismissed 81 complaints, which, after investigation, resulted in findings of no probable cause, and approved six complaint withdrawals without settlement.

## Conciliation Agreements

Delilah Brabson v. Phyllis Harper Cundiff d/b/a Marydale Apartments and Estate of Cundiff et al in Somerset: In a complaint alleging discrimination based on race in housing, a violation of the Kentucky

Civil Rights Act (KRS 344.360), and after a finding of probable cause, a conciliation agreement was reached. The respondent agreed to compensate the complainant in the amount of \$13,000, compensate the Lexington Fair Housing Council in the amount of \$2,000, undergo fair housing compliance training, provide literature and post notices about the right to fair housing for all prospective clients, and submit to commission monitoring with regard to compliance for three years.

Carlos and Maribel Coutino v. James Gibbs in Ashland: In a complaint alleging discrimination based on national origin in housing, a violation of The Kentucky Civil Rights Act (KRS 344.360), a conciliation agreement was reached before the investigation was complete. The respondent agreed to compensate the complainant in the amount of \$2,200, undergo fair housing compliance training, provide literature and post notices about the right to fair

housing for all prospective clients, and submit to commission monitoring with regard to compliance for two years.

Teresa Newman v. Mike Peretz d/b/a Capital Lending in Louisville: In a complaint alleging discrimination based on sex in housing, a violation of the Kentucky Civil Rights Act (KRS 344.360), a conciliation agreement was reached before the investigation was complete. The respondent agreed to compensate the complainant in the amount of \$1,500, participate in fair housing training, post information about the right to fair housing for all perspective clients, and undergo commission monitoring with regard to compliance for two years.

Sharon Gillie v. Custom Food Products Inc. in Owingsville: In a complaint alleging discrimination based on sex in employment, a violation of the Kentucky Civil Rights Act (KRS 344.040), and after a finding of probable cause, a conciliation agreement was reached. The respondent

agreed to compensate the complainant in the amount of \$8,000, participate in equal employment opportunity compliance training, post notices about laws prohibiting discrimination in the workplace for all employees, and undergo commission monitoring with regard to compliance for one year.

Linda Harris v. Beehive Homes of Carrollton in Carrollton: In a complaint alleging discrimination based on race and retaliation in employment, a violation of the Kentucky Civil Rights Act (KRS 344.040 and KRS 344.280), a conciliation agreement was reached before the investigation was complete. The respondent agreed to compensate the complainant in the amount of \$3,000, develop policies that address discrimination and provide them to the commission, investigate any complaint of discrimination promptly and with full dispatch, and post notices about laws prohibiting discrimination in the workplace for all employees.

## Civil Rights Partners



KCHR attorney Alteata McWilliams and Art Crosby, attorney for the Lexington Fair Housing Council, acted as co-counsel in the case of Brabson v. Cundiff (see above).

## Circuit Court upholds KCHR ruling

Henderson Circuit Court in January upheld a finding of the Kentucky Commission on Human Rights, which awarded a woman \$14,758 in damages in May 2003.

Ninfa Marruquin of Robards, Ky., filed a discrimination complaint in 1999 against Service Tools and Plastics Inc. of Henderson, Ky., alleging sexual discrimination and retaliation in employment. A day after telling her employer that she had been sexually harassed by a co-worker, she was fired.

After KCHR found in favor of Ms. Marruquin, the company appealed the decision for judicial review, arguing that

it had stated a legitimate business reason for terminating Ms. Marruquin, that of passing bad parts on the assembly line where she worked.

But, Judge Stephen Hayden said substantial evidence had been provided that passing bad parts was a common problem for company employees and no one had been fired for passing bad parts before. The court further said there was substantial evidence to support the commission's findings that Service had discriminated against Ms. Marruquin. The court affirmed the commission's findings and damages award.

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**Visit our web site**  
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KCHR is the state agency that enforces The Kentucky Civil Rights Act. It receives, initiates, investigates, conciliates and rules upon jurisdictional complaints. KCHR has jurisdiction in housing, employment, public accommodations, financial transactions and private clubs. The Kentucky Civil Rights Act prohibits discrimination on the basis of race, color, religion, national origin, sex, familial status in housing, disability, age (40 or over) in employment, and smoking status in employment. Complaints not dismissed, settled or conciliated go to administrative hearing where commission decisions have the authority of a court of law.